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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,942	10/10/2001	Nobuyuki Suda	Q65006	4815

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

EASHOO, MARK

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 12/01/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/972,942

Applicant(s)

SUDA, NOBUYUKI

Examiner

Mark Eashoo, Ph.D.

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 1732

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of group I, claims 1-3, in Paper No. 5 (filed 17-SEP-2003) is acknowledged.

Claims 4-6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claim group II, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement filed 05-MAR-2002 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. Accordingly, it has been placed in the application file and the information referred to therein has been considered as to the merits.

Claim Objections

Claims 1-3 are objected to because of the following informalities:

Specifically, claim 1 recites a plurality of process steps without being separated by a line indentation which renders the claim indefinite because it cannot be clearly ascertained when one step ends and another begins. It is noted that where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. See 37 CFR 1.75(i).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 1732

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claim 1 recites a plurality of process steps without being separated by a line indentation which renders the claim indefinite because it cannot be clearly ascertained when one step ends and another begins. It is noted that where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. See 37 CFR 1.75(i).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vinson et al. (US Pat. 5,374,324) in view of Bourgois (US Pat. 4,840,214).

Regarding claim 1: Vinson et al. teaches the basic claimed process of coating a belt cord with rubber, comprising the steps of: aligning a plurality of belt cords in parallel to each other (Figs. 1-5); steel filaments (3:1-15); and coating the plurality of belt cords with an uncured rubber while the cord move in an axial direction (3:16-28).

Vinson et al. does not teach a belt cord made of steel filaments wherein a plurality of filaments are arranged in parallel to each other. However, Bourgois teaches a reinforcing strip or belt cord made of steel filaments wherein a plurality of filaments are arranged in parallel to each other (Figs. 1-5, 4:10-15, and 4:50-65). Vinson et al. and Bourgois are combinable because they are from the same field of endeavor, namely, reinforcement materials for tires. At the time of invention a person having ordinary skill in the art would have found it obvious to have used a reinforcing strip or belt cord wherein a plurality of steel filaments are arranged in parallel to each other, as taught by Bourgois, in the process of Vinson et al., and would have been motivated to do so because Bourgois suggests that such parallel cord structure provides a desired and significantly higher bending stiffness (1:5-20).

Art Unit: 1732

Regarding claim 2: Vinson et al. does not teach a filament diameter in the range of 0.18 – 0.35 mm. However, Bourgois teaches a filament diameter of 0.25 mm (4:50-55). At the time of invention a person having ordinary skill in the art would have found it obvious to have used a filament diameter of 0.25 mm, as taught by Bourgois, in the process of Vinson et al., and would have been motivated to do so since size is among general criteria in which selection of cord material is commonly made in order to obtain desired strength characteristics.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vinson et al. (US Pat. 5,374,324) in view of Bourgois (US Pat. 4,840,214) as applied to claim 1 above, and further in view of Edwards (US Pat. 4,126,720).

Vinson et al. teaches the basic claimed process as set forth above.

Regarding claim 2: Alternatively, Vinson et al. does not teach a filament diameter in the range of 0.18 – 0.35 mm. However, Edwards teaches a filament diameter on the order of 0.007 inches or about 0.18 mm (5:45-50). Vinson et al. and Edwards are combinable because they are considered with a similar technical difficulty, namely, reinforcement materials for tires. At the time of invention a person having ordinary skill in the art would have found it obvious to have used a filament diameter on the order of 0.007 inches or about 0.18 mm, as taught by Edwards, in the process of Vinson et al., and would have been motivated to do so since Edwards suggests that size is among the criteria in which selection of cord material is made in order to obtain desired strength characteristics (1:5-30).

Regarding claim 3: Vinson et al. does not teach a gauge of the uncured reinforced rubber sheet in the range of 0.5 – 1.2 mm. However, Edwards teaches a gauge of the uncured reinforced rubber sheet in the range of 0.03 – 0.15 inches or about 0.76 – 3.8 mm (5:45-50). Vinson et al. and Edwards are combinable because they are considered with a similar technical difficulty, namely, reinforcement materials for tires. At the time of invention a person having ordinary skill in the art would have found it obvious to have used a gauge of the uncured reinforced rubber sheet in the range of 0.03 – 0.15 inches, as taught by Edwards, in the process of Vinson et al., and would have been motivated to do so since Edwards suggests such thickness is appropriate for forming reinforcing plies in radial tires.

Art Unit: 1732

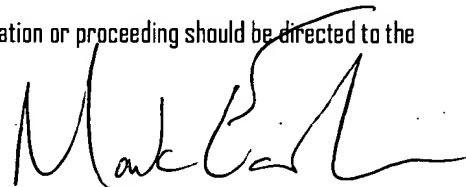
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Uemura, Kawamura et al., Bocquet et al, Perrault, Igarashi et al, Smith et al., Barrows, Imamiya et al., Yanagisawa, Takahira, Haemers, Yatsunami et al., and Kind all teach the basic state of the art.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Eashoo, Ph.D. whose telephone number is (703) 308-3606. The examiner can normally be reached on 7am-3pm EST, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (703) 305-5493. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Mark Eashoo, Ph.D.
Primary Examiner
Art Unit 1732

11/25/03

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